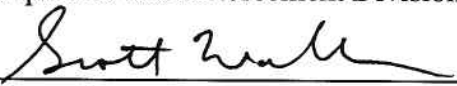


REQUEST FOR APPROVAL

To: Lorraine Van Kekerix, Acting Deputy Director
Compliance and Enforcement Division

From: 
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Prepared On: November 4, 2011

Attachments: A. Grant Information for the Legacy Disposal Site Abatement Partial Grant Program
B. Grant Information for the Illegal Disposal Site Abatement Grant Program

Subject: **AWARDS FOR THE SOLID WASTE DISPOSAL AND
CODISPOSAL SITE CLEANUP GRANT PROGRAMS (SOLID
WASTE DISPOSAL TRUST FUND, FY 2011/12)**

TIME FACTOR: Approval required no later than November 8, 2011.

SUMMARY: Staff has completed an evaluation and recommends approval of four new grant proposals totaling \$1,563,476 pursuant to the two grant programs under the Solid Waste Disposal and Codisposal Site Cleanup Program (Program): the legacy disposal site abatement partial grants and the illegal disposal site abatement grants. Table 1 and Table 2 provide general information on the grants. Detailed project information for the grants recommended for approval is in Attachments A and B.

OPTIONS: The Acting Deputy Director may decide to:

1. Approve the proposed grant awards and direct staff to enter into grant agreements with the awarded applicants; or

2. Disapprove the proposed awards and direct staff as to further action.

Table 1. Summary of legacy disposal site abatement partial grants.

Score-Based Rank	Applicant	Requested Funding	Recommended Funding
1	City of Sacramento	\$720,500	\$720,500

Table 2. Summary of illegal disposal site abatement grants.

Score-Based Rank	Applicant	Requested Funding	Recommended Funding
1	Tehama County	\$41,445	\$41,445
2	City of Los Angeles	\$500,000	\$500,000
3	City of Lancaster	\$301,531	\$301,531

RECOMMENDATION: Staff recommends Option 1.

DISCUSSION: The Program addresses cleanup of solid waste disposal and codisposal sites where the responsible party either cannot be identified or is unable or unwilling to pay for a timely remediation and where cleanup is needed to protect public health and safety or the environment. Cleanup projects are implemented through contracts, grants, and loans. The California Integrated Waste Management Board [now the Department of Resources Recycling and Recovery (CalRecycle)] approved Program policies in February and September 1994; March and September 1995; and February, June, and August 1999. Regulations incorporating the approved policies were adopted by the Board in May 2000 and became effective September 11, 2000. In addition, CalRecycle approved the grant scoring criteria and the evaluation process for fiscal years 2010/11 and 2011/12 in August 2010.

As these are grants, any applicant's need for the funds is to be considered. Each grant application has a section for applicants to substantiate the need for the grant funds that is evaluated by staff as part of the General Scoring Criteria. In all cases, the applicants have expressed that their current funding is inadequate to complete the project. In addition, there is also a section for the substantiation of the threat to public health and safety and/or the environment, which is also evaluated by staff as part of the General Scoring Criteria. Based on the evaluations, the need for funding and threat being remediated are quantified and included in the grant's overall score and subsequent prioritization.

Title 14, California Code of Regulations, section 18904 specifically lists eligible and ineligible remedial actions under the Program and allows CalRecycle to consider approval of any other remedial actions not specified as ineligible. Unless otherwise noted, specific actions proposed for each project are specifically eligible pursuant to the regulations.

Legacy Disposal Site Abatement Partial Grant Program

The funding of the proposed grant totaling \$720,500 is summarized in Table 3. A brief summary of the recommended grant is included in Attachment A.

Table 3. Funding summary of legacy disposal site abatement partial grants.

Fund Source	Amount Available	Amount to Fund Item	Amount Remaining	Line Item
SWDTF (FY 2011/12)	\$1,500,000	\$720,500	\$779,500	Grants

With respect to legacy disposal site abatement partial grants, CalRecycle may award partial grants to public entities to clean up (among other sites) publicly operated solid waste disposal and codisposal sites that have always operated as public facilities. As a grant is essentially a bestowal of funds, cost recovery is not an issue in those cases, even though the public entity grantee is the "responsible party" for the cleanup. Therefore, this applicant is not subject to cost recovery by CalRecycle.

Illegal Disposal Site Abatement Grant Program

The funding of the proposed grant totaling \$842,976 is summarized in Table 4. A brief summary of the recommended grant is included in Attachment B.

Table 4. Funding summary of illegal disposal site abatement grants.

Fund Source	Amount Available	Amount to Fund Item	Amount Remaining	Line Item
SWDTF (FY 2011/12)	\$1,000,000	\$842,976	\$157,024	Grants

With respect to illegal disposal site abatement grants, cost recovery is not applicable when the grants involve the cleanup of public land maintained for public benefit and use and the entity did not cause or gain a benefit from the disposal of the waste. A grant is appropriate and cost recovery is not applicable as to the public entity. Where grant funds will be used to clean up private parcels, the grantee has agreed to pursue cost recovery on behalf CalRecycle.

I hereby approve these grants totaling one million five hundred sixty-three thousand four

Lorraine Van Kekerix

November 4, 2011

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hundred seventy-six dollars (\$1,563,476) and direct staff to develop and execute the Grant Agreements with the following:

Legacy Disposal Site Abatement Partial Grant Program

City of Sacramento\$720,500

Illegal Disposal Site Abatement Grant Program


Tehama County\$41,445

City of Los Angeles\$500,000

City of Lancaster\$301,531

The award of each grant is conditioned upon full payment within ninety (90) days of the date of this grant award of all outstanding debt(s) or scheduled payment(s) owed by the proposed grantee to CalRecycle.

The award of each grant is further conditioned upon the return by the proposed grantee of a complete and executed Grant Agreement within ninety (90) days from the date of the mailing of the grant agreement package by the Program.



Lorraine Van Kekerix, Acting Deputy Director
Compliance and Enforcement Division

11/4/2011

Date

ATTACHMENT A

Grant Information for the Legacy Disposal Site Abatement Partial Grant Program

Applicant: City of Sacramento

Estimated Project Cost: \$2,931,500

Requested Amount: \$720,500

Amount Recommended: \$720,500

Project Description: The Dellar Landfill (Facility No. 34-AA-0182) is immediately west of the City of Sacramento's 28th Street Landfill with the American River to the north, Union Pacific Railroad right-of-way to the South, and Blue Diamond Grower's property to the west. The landfill was a public dump site from approximately 1949 to 1973. The City of Sacramento contracted to use the site to dispose of municipal solid waste pursuant to an agreement between the City and the former property owners prior to the Dellar Trust, who are now deceased. Over the past years there have been grass fires on the surface and underground fires. The Central Valley Regional Water Quality Control Board (RWQCB) has requested the landfill undergo a formal closure.

In June 2008 the RWQCB issued its formal Cleanup and Abatement Order which required the City and Dellar Trust to implement landfill closure as a corrective action consistent with an approved Final Closure Plan, including post-closure corrective monitoring. The City recognizes the need to clean up and cap the landfill to prevent endangering public health and safety and to protect the American River Parkway. The exposed surface allows rain water to percolate down through the surface into the organic waste below, posing a potential danger to the groundwater and health and safety to the surrounding residential neighborhood and recreation users along the American River. To date, the monitoring system installed by the 28th Street Landfill, which includes monitoring points to the north and south of the Dellar Landfill has not detected any offsite groundwater problems.

The City's proposed closure plan is to install a cap and grade the site to drain, preventing future rain fall from percolating into the groundwater and lowering the danger of potential future ground and surface water contamination.

The engineering estimated cost to install a cap and grade the site to drain is approximately \$2.9 million. This does not include any post-closure maintenance costs, which will be integrated into the existing post closure maintenance program for the City of Sacramento's 28th Street Landfill. The City's Department of Utilities has identified sources of fill material that can be used to install the cap and grade the site to drain. This constitutes approximately \$1 million of the total project cost of \$2.9 million.

Attachment A

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This is the second application in the past 12 months where the Department, through its approval, would be implementing an expanded policy of awarding a partial grant to a public entity responsible party which has no present ownership interest in the site and which award would thus additionally benefit the private parties which own the site. The first application of this nature was approved in December of 2010 and involved the Benton Burn Dump, which was owned by a Homeowner's Association which benefitted by the partial grant application by the City of Escondido, who like the City of Sacramento here had formerly contracted to use the site to dispose of municipal solid waste. Prior to the City of Escondido application the Department/CIWMB partial grants had primarily been awarded to public entities to clean up publicly operated disposal sites that had always operated as public facilities and thus provided a purely public benefit. In September of 2008 the CIWMB first extended the reach of its grants to include a site (the Canyon Park site) which was co-owned by a public entity and a private party and which thus benefitted both parties. In the City of Escondido application (as well as here if approved), the policy is being extended further in that the public entities have no present ownership interest in the site but are acknowledging their obligations as responsible parties under the Cleanup Program statutes, as well as the City of Sacramento's obligations under the RWQCB Order in the present case. In both cases the Cities have committed to funding their portion of the project costs and negotiated with the private parties regarding an equitable allocation of those costs between the parties. In the case of the City of Escondido application the Department approved the application on the basis that an award would extend the objectives for the partial grant portion of the Program to include sites where: (a) the present private party owners had no involvement with the deposition of waste at the site; (b) the public entity, while having no present ownership interest nevertheless acknowledges its obligations as a responsible party; and (c) at least half the costs of the remediation are borne by the responsible parties through an equitable apportionment determined by the parties. Staff submits that these extended program objectives are equally applicable in the City of Sacramento's application here and are consistent with Program's enabling statutes. In Staff's view these expanded objectives encourage public entities which had formerly been involved with the deposition of waste at a site to pursue the laudable goal of fulfilling their shared responsibility for remediation in a cooperative manner with the current owners.

ATTACHMENT B

Grant Information for the Illegal Disposal Site Abatement Grant Program

Applicant: Tehama County (County)

Estimated Project Cost: \$41,445

Requested Amount: \$41,445

Amount Recommended: \$41,445

Project Description: The County is requesting grant funds to clean up two illegal disposal sites on privately-owned property. The County has taken numerous enforcement actions against the owners, who so far have been unresponsive to the County's requests to clean up the properties. The owners will be given one last opportunity to implement the appropriate remedies and be encouraged to do the cleanup at their own expense.

Grant funds will not be spent on remediating the sites without first obtaining an order against the landowners through a public nuisance abatement hearing declaring them responsible parties for the remediation. If the responsible parties are further determined to be unable or unwilling to conduct the remediation and grant funds are thus expended, the County will initiate cost recovery action to recover all costs, including administrative costs, under the County's Nuisance Abatement ordinance. All grant monies recovered under this process will be returned to CalRecycle.

Attachment B**Page B-2**

Applicant: City of Los Angeles (City)

Estimated Project Cost: \$994,056

Requested Amount: \$500,000

Amount Recommended: \$500,000

Project Description: Illegal dumping of solid waste is an ongoing problem in many areas in the City of Los Angeles. Solid waste is abandoned along roadways, in vacant lots and alleys, under overpasses, and in front of homes and businesses. Illegally disposed wastes on streets and roadways create potential road hazards, block pedestrians, and may block drainage systems. The waste may attract rodents, stray animals, and disease carrying vectors such as mosquitoes that can transmit the West Nile virus. Also school children unaware of the potential health hazards may be attracted to play with the unattended materials.

In Fiscal Year (FY) 2010/11, the City's Bureau of Sanitation collected approximately 31,997 tons of bulky items, of which 11,392 tons (36 percent) was from illegally disposed material or sweeping efforts. The tipping fee alone for the disposal of these collected materials was estimated to be about \$990,961. The City's Bureau of Street Services Investigation and Enforcement Division issued 5,282 violation notices for illegal disposal activities, and conducted 51 investigations after receiving information through the City's We-Tip hotline in the FY 2010/11. One-third of the collected material was generated in the South Los Angeles district.

The City is requesting grant funds to implement a comprehensive program to abate illegal dumping within the South Los Angeles district. South Los Angeles would greatly benefit from efforts to combat illegal dumping which will lead to improved community aesthetics and cleanliness, prevention of public health risks and environmental concerns, and community pride.

The City's proposed plan includes cleaning up chronic illegal dumping sites, the installation of security measures and warning signs, and an extensive public outreach and education including the design, printing, and distribution of informational material to the affected communities. All sites are on public easements or are publicly owned and maintained for public benefit and use, where indiscriminate dumping has occurred and in no cases did the City cause the disposal of waste.

Grant funds requested include up to \$460,000 for waste removal, transportation, and disposal/recycling activities and up to \$40,000 for preventative activities relating to site security (e.g., surveillance and public outreach). The City will contribute an estimated \$494,056 of in-kind services toward the project.

Applicant: City of Lancaster (City)

Estimated Project Cost: \$301,531

Requested Amount: \$301,531

Amount Recommended: \$301,531

Project Description: The City has a significant and increasing problem with illegal dumping that is creating serious public health and safety problems. In 2010 the City received 443 citizen emergency or public safety illegal dumping complaints, removed dumped materials from 734 alleyways and responded to over 3100 illegal dumping locations. During these cleanup activities, approximately 852.2 tons of illegally dumped material were properly recycled and disposed and cost the City \$256,403 in staff and disposal costs. So far this year, the City has removed 502 tons of illegally dumped material and is slated to exceed the previous year's statistics.

However, due to budgetary constraints, the City's response has been primarily reactive in nature. Aside from routine cleanup activities, City maintenance personnel are only able to react to citizen complaints, emergency situations and unsanitary conditions on public streets and rights of way. With additional resources, the City will be able to remediate chronic illegal dumping areas that affect residential neighborhoods, and successfully deter and reduce the growing illegal dumping problem by a sizable amount.

The City has identified eight separate grid areas where chronic illegal dumping is occurring. These would be the target areas for the proposed grant program. The City's proposed plan includes cleaning up these chronic illegal dumping sites, the installation of barriers to secure publicly owned sites that are prone to illegal dumping, the posting of warning signs, the installation of security cameras, active code enforcement, and increased public education. Practically all of the sites are on public easements or are publicly owned and maintained for public benefit and use, where indiscriminate dumping has occurred and in no cases did the City cause the disposal of waste. There may be a few instances where grant proceeds may be utilized to clean up illegal disposal sites on privately-owned property. In such cases grant funds will not be spent on remediating these sites without first obtaining an order against the landowners through a public nuisance abatement hearing declaring them responsible parties for the remediation. If the responsible parties are further determined to be unable or unwilling to conduct the remediation and grant funds are thus expended, the City will initiate cost recovery action to recover all costs, including administrative costs, under the City's Nuisance Abatement ordinance. All grant monies recovered under this process will be returned to CalRecycle.

Attachment B**Page B-4**

Grant funds requested include up to \$198,949 for waste removal, transportation, and disposal/recycling activities, up to \$69,908 for preventative activities relating to site security (surveillance and public outreach), and up to \$32,674 for administration and project management.